

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph Booth,)	
)	
Petitioner,)	
)	Civil Action No. 0:23-cv-4359-BHH
v.)	
)	<u>ORDER</u>
Sheriff Chuck Wright; Major Leso;)	
Sgt. K. Ashley; First Sgt. Pickle; Cpl.)	
Esopa; Christopher Runyan,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Joseph Booth’s (“Plaintiff”) pro se filing, which the Court construed as a motion to proceed *in forma pauperis* in this action under 28 U.S.C. § 1915. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On October 4, 2023, Magistrate Judge Paige J. Gossett issued a report and recommendation (“Report”), outlining the matter and finding that Plaintiff is not qualified to proceed *in forma pauperis* in this action. Accordingly, the Magistrate Judge recommends that the Court deny Plaintiff’s motion. Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of receiving a copy. To date, no objections have been filed. Additionally, it appears from the docket that the filing fee was paid on October 23, 2023.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 10) and denies Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

November 17, 2023
Charleston, South Carolina